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VIA EMAIL

July 31, 2020

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2020
New York, NY 10007

Re: *United States v. Avenatti*, Case No. 19 Cr. 374 (JMF)

Dear Judge Furman:

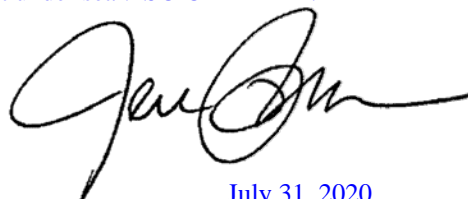
I move the Court to file Mr. Avenatti's financial affidavit and its attachment under seal and *ex parte* until the conclusion of his pending criminal cases in the Southern District of New York and the Central District of California. Mr. Avenatti submits these documents as part of his *ex parte* application for the appointment of the Federal Defenders of New York pursuant to the Criminal Justice Act.

On July 29, 2020, in connection with Mr. Avenatti's application for CJA funds in his pending criminal case in the Central District of California, Judge Selna granted Mr. Avenatti's motion to seal these same documents. *See U.S. v. Avenatti*, Case No. 8:19-cr-00061, Dkt. 214. A contrary ruling in this case would frustrate Judge Selna's Order and prejudice Mr. Avenatti. *See United States v. Parker*, No. 00-cr-0053A, 2014 WL 2095684, at *4 (W.D.N.Y. Sept. 14, 2004) (where trial was receiving "significant media attention," sealing appropriate until conclusion of trial to prevent prejudice to defendant), *aff'd on other grounds*, 439 F.3d 81 (2nd Cir. 2006).

Respectfully,

/s/ Thomas D. Warren
Thomas D. Warren

The application is GRANTED as to the Defendant's financial affidavit and its attachment. Once again, however, there is no reason this letter cannot be publicly filed and, under the Court's Individual Rules and Practices for Criminal Cases, it should have been filed by counsel on ECF. The Clerk of Court shall file and maintain the affidavit and its attachment under seal. SO ORDERED.



July 31, 2020